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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

RUBEN MCNEAL,	)	
	)	
Plaintiff,	)	Case No. 04-1745-PK
	)	
vs.	)	ORDER
	)	
JO ANNE B. BARNHART,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

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Page 1 - ORDER

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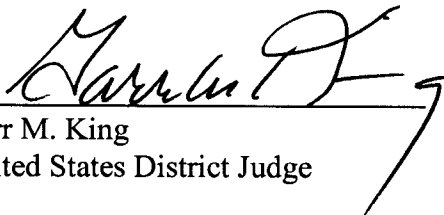   Attorneys for Defendant

KING, Judge:

The Honorable Paul Papak, United States Magistrate Judge, filed Findings and

Recommendation on July 27, 2006. The matter is before this court. See 28 U.S.C. §

636(b)(1)(B) and Fed. R. Civ. P. 72(b). Defendant has filed objections to the Findings and

Recommendation and plaintiff has filed a response.

When either party objects to any portion of the Magistrate's Findings and

Recommendation, the district court must make a *de novo* determination of that portion of the

Magistrate's report. See 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore

Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Having given a *de novo* review of the issues raised in petitioner's objections to the

Findings and Recommendation, I find no error.

Accordingly, I ADOPT Magistrate Judge Papak's Findings and Recommendation (#22).

IT IS HEREBY ORDERED that the decision of the Commissioner is REVERSED and

REMANDED for calculation and an award of benefits.

Dated this _____ 8/14 _____ day of September, 2006.

                                  _____
                                    Garr M. King
                                    United States District Judge

Page 2 - ORDER